

Vermont Working Group on Payment for Ecosystem Services and Soil Health

Operating Procedures Revised April 2021

I. Introduction

The Vermont Legislature tasked the Secretary of Agriculture, Food and Markets (AAFM) to convene a Payment for Ecosystem Services and Soil Health Working Group (PES WG) to recommend financial incentives designed to encourage farmers in Vermont to implement agricultural practices that exceed the requirements of 6 V.S.A., Chapter 215, or RAPs (Required Agricultural Practices). The practices should improve soil health, enhance crop resilience, increase carbon storage and storm water capacity, and reduce agricultural runoff to waters.

II. Scope and Product

Per the Legislature, the Working Group is tasked to:

- Identify agricultural standards or practices that farmers can implement that improve soil health, crop resilience, increase carbon storage and storm water capacity, and reduce agriculture runoff to waters;
- Recommend existing financial incentives available to farmers that could be modified or amended to incentivize implementation of the agricultural standards identified or incentivize the reclamation or preservation of wetlands and floodplains;
- Propose new financial incentives, including a source of revenue, for implementation of the agricultural standards identified if existing financial incentives are inadequate or if the goal of implementation of the agricultural standards would be better served by a new financial incentive; and
- Recommend legislative changes that may be required to implement any financial incentive recommended or proposed in the final WG report.

The Working Group shall cease to exist on February 1, 2022, unless legislative action is taken to extend its tenure.

III. Objectives

On or before January 15, 2022, the Working Group shall submit to AAFM who in turn shall submit to the legislature a report that shall include:

1. a recommended payment for ecosystem services approach the State should pursue that benefits water quality, flood resilience, and climate stability, including ecosystem services to prioritize and capital or funding sources available for payments;
2. a recommended definition of healthy soils, a recommended method or systems for measuring soil health and other indicators of ecosystem health, and a recommended tool for modeling and monitoring soil health;
3. a recommended price, supported by evidence or other justification, for a unit of soil health or other unit of ecosystem service or benefit provided;
4. proposed eligibility criteria for persons participating in the program;
5. proposed methods for incorporating the recommended payment for ecosystem services approach into existing research and funding programs;
6. an estimate of the potential future benefits of the recommended payment for ecosystem services approach, including the projected duration of the program;
7. an estimate of the cost to the State to administer the recommended payment for ecosystem services approach; and
8. proposed funding or sources of funds to implement and operate the recommended payment for ecosystem services approach.

IV. Membership

The members are designated by the Legislature and include those with a knowledge or expertise in agricultural water quality, soil health, economic development or agricultural financing, and across scales, kinds, and locations of farms. The Secretary of AAFM or his/her designee will chair the WG with a representative of VHCB co-chairing the group. Members may each designate one substitute who may attend meetings in their place. At each meeting, members will make clear who is the primary speaking on behalf of that seat or organization. When members make comments in surveys or other between-meeting review of written products, they will coordinate with their substitutes to submit one set of comments per Working Group seat.

V. Decisionmaking

The purpose of the Working Group is to provide recommendations to Secretary of Agriculture who in turn will prepare a report on the issues identified to the Legislature.

- A. Consensus:** The Working Group will strive to operate by consensus in order to: 1) develop its recommendations and; 2) make other process and scope decisions, as needed. Consensus is defined as *unanimous* concurrence of the members after Working Group discussion. Members may choose to “abstain.” Abstention is a non-vote, and therefore does not count against consensus. Consent means that members can *accept*, even if reluctantly, the agreement that emerges. The goal of the Working Group is to reach consensus, recognizing that not all members will be equally satisfied with the outcome. All agreements reached during negotiations on final recommendations are understood to be tentative until the Working Group reaches formal consensus (“tentative consensus” or “provisional consensus”). Consensus may be on a set of options or choices with their advantages and disadvantages clearly articulated without the WG expressing a single or preferred approach.
- B. Decisionmaking in the absence of Consensus.** Should consensus not be obtained for *process and scope decisions*, to allow the group to do its work, the co-chairs will identify a way forward. The co-chairs will take into consideration the viewpoints shared by all and will use their judgment to make the best decision for the Working Group as a whole and its objectives. For example, if the group cannot agree to a set meeting schedule, the co-chairs may select the best meeting schedule meeting the needs of as many as possible. For *developing final recommendations and a report*, the Working Group may report out areas of agreement and disagreement on their final recommendations if consensus on all recommendations is not reached. The Working Group will note if agreement was not reached due to incomplete information or uncertainty, and what information would be needed to reach a decision. The co-chairs will not impinge on expressing final disagreements, if any, by the full Working Group in its final deliberations.

VI. Meetings

- A. **Agenda:** The Co-Chairs with support from the facilitator are responsible for developing an agenda for all meetings of the Working Group that will be distributed ahead of time. All members are expected to be present for the full meeting times and to be active and engaged to the greatest extent possible.
- B. **Materials:** Materials to inform deliberations and for background will be prepared by the co-chairs and distributed via the facilitator with a goal of distributing at least three (3) business days before each meeting.
- C. **Frequency and Location.** The group will meet at least once per month from March 2021 through the remainder of the year for meetings virtually or in-person. The Working Group may not convene during July and August. The Working Group will determine convenient meeting locations.
- D. **Webinars.** The group may hold webinars between meetings to invite presentations by experts on PES examples and efforts elsewhere in the U.S. and abroad.
- E. **Task Work.** The Working Group may do task work to advance the scope of work. Such task work will follow all open meeting laws and will generate options, ideas and draft recommendations but will make no decisions, which are the sole responsibility of the Working Group. Task work may include active participation by members, alternates, and technical advisors. Alternates are encouraged to work on a task that is different than the one their primary member is working on. The public may participate to the extent time allows but may always observe.
- F. **Technical Assistance:** Upon agreement of the convening agencies, the Working Group may accept technical assistance from representatives of other organizations or may also seek technical assistance from its members' own organizations.
- G. **Summaries:** Summaries of each of Working Group meeting will be prepared by the facilitators and, after review and approval by the Working Group, will be made available to the public. The minutes will be written without attribution.

H. **Public Notice and Comment:** Meetings of the Working Group are open to the public. The meetings will be publicly noticed at least one week ahead of the meeting. At each meeting, a modest amount of time will be set aside for public comment. However, the public is encouraged to submit comments in writing that will in turn be distributed to the Working Group. The Working Group will follow Vermont Open Meeting Laws and allow for participation in any breakout groups as well.

I. **Public Outreach.** The Working Group may conduct additional public and farmer outreach to obtain input and advice as time and budget allows.

VII. Working Group Member Responsibilities

- A. Working Group members will *not attribute statements to others* involved in this process, seek to present or represent the views or position of other members, nor attempt to speak on behalf of the whole Working Group to the media.
- B. *Orderly conduct of meetings.* Personal attacks, name calling, and other such negative behaviors will be addressed immediately, either privately or publicly, by Working Group members and the facilitators.
- C. *Respect.* Working Group members will recognize the diversity of opinions within the group and respectfully allow for a rich discussion of these opinions.

VIII. Facilitator Responsibilities

- A. The facilitators serve at the discretion of Co-Chairs. The facilitators are responsible for helping to ensure that the process runs smoothly, developing meeting agendas, preparing and distributing draft and final summaries, generating draft recommendations, and helping the parties resolve their differences and achieve consensus on the issues to be addressed. The facilitators have no decisionmaking authority and cannot impose any solution, settlement, or agreement among any or all of the parties.
- B. The facilitators will abide by the Ethical Standards of the Association of Conflict Resolution. In part, these standards require that: “The neutral must maintain impartiality toward all parties. Impartiality means freedom from favoritism or bias either by word or by action and a commitment to serve all parties as opposed to a single party.”